

## **EXHIBIT 5**

State of Washington )  
 ) ss  
County of Ferry )

I, JEAN BOOHER, County Clerk and Ex-Officio Clerk of the Superior Court of the State of Washington, for Ferry County, holding session at Republic, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on file and of record in my office. IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Court this

9th day of July 2012

JEAN BOOHER  
County Clerk, Ferry County, State of Washington

By Chris Bums Deputy

The Honorable Allen Nielson  
Hearing Date: June 8, 2012  
Hearing Time: 10:00 a.m.  
Ferry County

FILED CLERKS OFFICE  
FERRY COUNTY

MAY 18 2012  
12:40 PM  
JEAN BOOHER

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF FERRY

JOSEPH A. CONNOR, III,

Plaintiffs,

v.

GMAC MORTGAGE, LLC, et. al.

Defendants.

Case No. 11-2-00098-6

~~PROPOSED~~ ORDER RE PLAINTIFF'S  
MOTION FOR LIS PENDENS AND  
DEFENDANTS' MOTION FOR  
SANCTIONS RE MOTION FOR LIS  
PENDENS

On April 27, 2012, plaintiff's Motion to Allow Placement of Lis Pendens and defendants' CR 11 Motion for Sanctions relating to plaintiff's motion came before the court. Defendants were represented by and appeared through their counsel, William G. Fig. Plaintiff did not appear at the hearing. The court, having heard the oral argument of defendants' counsel, being fully advised, and having considered the following pleadings:

1. Plaintiff's Amended Complaint;
2. Plaintiff's Motion for Allowance of Placement of Lis Pendens;
3. Defendants' Response to plaintiff's Motion;

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ORDER RE MOTION TO ALLOW PLACEMENT OF LIS  
PENDENS AND MOTION FOR SANCTIONS - Page 1

SUSSMAN SHANK LLP  
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TELEPHONE (503) 227-1111  
FACSIMILE (503) 248-0130

- 36 -

1 4. The Declaration of William G. Fig filed in support of Defendants' Response  
2 to plaintiff's Motion and in support of Defendants' CR 11 Motion for  
3 Sanctions and the exhibits attached thereto; and

4 5. Plaintiff's Supplemental Brief in Support of his Motion to Allow Placement  
5 of Lis Pendens and the attachment thereto

6 hereby ORDERS, ADJUDGES AND DECREES as follows:

7 (1) plaintiff's Motion to Allow Placement of Lis Pendens is DENIED. A lis  
8 pendens is not proper in this case because plaintiff's Amended Complaint does not  
9 contain any claim asserting any interest in, or affecting the title to, the property that is  
10 the subject of the lis pendens. See RCW 4.28.320.

11 (2) defendants' Motion for Sanctions against plaintiff under CR 11 is GRANTED.  
12 Defendants' counsel advised plaintiff, in writing, both before and after the filing of the  
13 motion, that plaintiff's motion was improper and not supported by Washington law.  
14 Plaintiff refused defendants' request to withdraw his motion. The court finds that  
15 plaintiff's Motion to Allow the Placement of Lis Pendens was not well grounded in fact  
16 and was not warranted by existing law or a good faith argument for the extension,  
17 modification, or reversal of existing law or the establishment of new law and, therefore,  
18 violated CR 11. Defendants are awarded sanctions against plaintiff in the amount of  
19 \$1,500.00, defendants' reasonable costs incurred in responding to plaintiff's Motion.

20 Dated this 18<sup>th</sup> day of May, 2012.

21  
22   
Superior Court Judge

Allen C. Nielson

22 Presented In Open Court By:

23 SUSSMAN SHANK LLP

24 By /s/ William G. Fig  
25 William G. Fig, WSBA 33943  
26 billf@sussmanshank.com  
Attorneys for Defendants

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ORDER RE MOTION TO ALLOW PLACEMENT OF LIS  
PENDENS AND MOTION FOR SANCTIONS - Page 2

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1 CERTIFICATE OF SERVICE

2 THE UNDERSIGNED certifies:

3 1. My name is Karen D. Muir. I am a citizen of Washington County, state of  
4 Oregon, over the age of eighteen (18) years and not a party to this action.

5 2. On May 1, 2012, I caused to be delivered via first-class U.S. Mail, postage  
6 prepaid, and email a copy of: **(PROPOSED) ORDER RE PLAINTIFF'S MOTION FOR**  
7 **LIS PENDENS AND DEFENDANTS' MOTION FOR SANCTIONS RE MOTION FOR**  
8 **LIS PENDENS** to the interested parties of record, addressed as follows:

9 Joseph A. Connor III  
10 1616 Liholiho Street #1502  
11 Honolulu, HI 96822  
12 Email: jaconnor3@netzero.net

13 I SWEAR UNDER PENALTY OF PERJURY that the foregoing is true and correct  
14 to the best of my knowledge, information, and belief.

15 /s/ Karen D. Muir  
16 Karen D. Muir, Legal Assistant  
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